

PATENT

Atty Docket No.: 10014091-1

App. Ser. No.: 10/046,797

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REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. .

Claims 1, 4, 12, 13, 20, and 33 have been amended. Claims 3, 6, 15 have been canceled herein without prejudice or disclaimer to the subject matter contained therein. Support for the amendments may be found in canceled claims 3, 6, and 15. Therefore, claims 1, 2, 4, 5, 7-14, and 16-36 are currently pending in the application of which claims 1, 12, 20, and 33 are independent.

Claims 1, 2, 10, 12, 16, 18, 25-27, 29, and 33-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim (5,774,595) ("Kim") in view of Suzuki (5,974,175) ("Suzuki").

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Suzuki and further in view of Ikezawa et al. (5,471,535) ("Ikezawa").

Claims 3-5, 7-9, 13, 14, 17, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Suzuki and further in view of Catros et al. (4,843,630) ("Catros").

Claims 11 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Suzuki and further in view of Kim (6,055,337) ("Kim '337").

Claims 20-23, 31, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Catros in view of Makram-Ebeid et al. (6,332,034) ("Makram-Ebeid").

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Catros in view of Makram-Ebeid and further in view of Luo (Designing an Interactive Tool for Video Object Segmentation and Annotation) ("Luo").

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The aforementioned rejections are respectfully traversed for at least the following reasons.

Allowable Subject Matter

Claims 6 and 15 were objected to as being dependent upon a rejected base claim, but allowable if rewritten into independent form. Therefore, independent claims 1 and 33 have been amended herein to include the features of allowable claim 6 and intervening claim 3. Similarly, independent claim 12 has been amended herein to include the features of allowable claim 15. In addition, independent claim 20 has also been amended herein to include the features of allowable claim 15. Accordingly, the Applicant respectfully submits that the claims are in condition for allowance.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

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Claims 1, 2, 10, 12, 16, 18, 25-27, 29, and 33-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Suzuki. This rejection is respectfully traversed because Kim and Suzuki, taken alone or in combination, fail to teach or suggest the features of independent claims 1, 12, and 33.

Independent claims 1 and 33 have been amended to include the subject matter from allowable claim 6 and intervening claim 3. As such, claims 1 and 33 recite, *inter alia*, that the

"predetermined function operable to calculate gradients associated with said graphical image, wherein said calculated gradients are calculated over respective spatial areas of said graphical image limited by a scale parameter."

Similarly, independent claim 12 has been amended herein to include the subject matter from allowable claim 15. As such, claim 12 recites, *inter alia*, that the

"predetermined function is operable to calculate gradients calculated from said graphical image utilizing a pixel neighborhood defined by a scale parameter."

As set forth by the Examiner in the indication of allowable subject matter, Kim, Suzuki, and the remaining cited art of record fail to teach or suggest, at least, the features recited above. Accordingly, withdrawal of this rejection is respectfully requested and allowance of the claims earnestly solicited.

Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Suzuki and further in view of Ikezawa. This rejection is respectfully traversed

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because Kim, Suzuki, and Ikezawa, taken alone or in combination, fail to teach or suggest the features of claim 28.

Kim and Suzuki fail to teach or suggest the features of claim 1 from which claim 28 depends, as set forth above. Ikezawa fails to cure the deficiencies of Kim and Suzuki. Therefore, claim 28 is allowable, at least, by virtue of its dependence upon independent claim 1 for the reasons set forth above. Accordingly, withdrawal of this rejection is respectfully requested and allowance of the claims earnestly solicited.

Claims 3-5, 7-9, 13, 14, 17, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Suzuki and further in view of Catros. This rejection is respectfully traversed because Kim, Suzuki, and Catros, taken alone or in combination, fail to teach or suggest the features of claims 3-5, 7-9, 13, 14, 17, and 30.

Kim and Suzuki fail to teach or suggest the features of claims 1 and 12 from which claims 3-5, 7-9, 13, 14, 17, and 30 depend, as set forth above. Catros fails to cure the deficiencies of Kim and Suzuki. Therefore, claims 3-5, 7-9, 13, 14, 17, and 30 are allowable, at least, by virtue of their dependence upon independent claims 1 and 12 for the reasons set forth above. Accordingly, withdrawal of this rejection is respectfully requested and allowance of the claims earnestly solicited.

Claims 11 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Suzuki and further in view of Kim '337. This rejection is respectfully traversed because Kim, Suzuki, and Kim '337, taken alone or in combination, fail to teach or suggest the features of claims 11 and 19.

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Kim and Suzuki fail to teach or suggest the features of claims 1 and 12 from which claims 11 and 19 depend, as set forth above. Kim '337 fails to cure the deficiencies of Kim and Suzuki. Therefore, claims 11 and 19 are allowable, at least, by virtue of their dependence upon independent claims 1 and 12 for the reasons set forth above. Accordingly, withdrawal of this rejection is respectfully requested and allowance of the claims earnestly solicited.

Claims 20-23, 31, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Catros in view of Makram-Ebeid. This rejection is respectfully traversed because Catros and Makram-Ebeid, taken alone or in combination, fail to teach or suggest the features of independent claim 20.

Independent claim 20 has been amended herein to include the subject matter from allowable claim 15. As such, claim 20 recites, *inter alia*, that the

“gradient calculations of said graphical image over regions defined at least by a pixel neighborhood and a scale parameter.”

As set forth by the Examiner in the indication of allowable subject matter, the cited art of record fails to teach or suggest, at least, the features recited above. Accordingly, withdrawal of this rejection is respectfully requested and allowance of the claims earnestly solicited.

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Catros in view of Makram-Ebeid and further in view of Luo. This rejection is respectfully traversed because Catros and Makram-Ebeid, taken alone or in combination, fail to teach or suggest the features of claim 24.

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Catros and Makram-Ebeid fail to teach or suggest the features of claim 20 from which claim 24 depends, as set forth above. Luo fails to cure the deficiencies of Catros and Makram-Ebeid. Therefore, claim 24 is allowable, at least, by virtue of its dependence upon independent claim 20 for the reasons set forth above. Accordingly, withdrawal of this rejection is respectfully requested and allowance of the claims earnestly solicited

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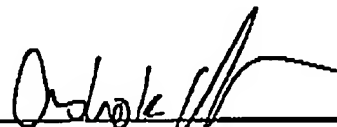
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In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: June 29, 2007

By



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